

REMARKS

Amendments to the Claims:

Claims 1, 22, 24, 26, 39 and 41 have been amended as indicated above. Support for the amendments to claims 1, 24, 26, 39 and 41 is found within the original specification at least at page 9, lines 9-13; support for the amendments to claim 22 is found within the original specification at least at page 8, lines 14-19.

Claims 45-52 are newly added. Support for the new claims can be found within the original specification and the drawings in their entirety.

No new matter has been added to the claims by way of amendment.

General discussion of the claimed invention:

Before delving into the specifics regarding the rejections of the claims in the March 30, 2007 Final Office action, the Applicants would like to provide an overview of their invention, and how the current invention is distinguishable (*in toto*) over the prior art, in hope that the Examiner will understand what has been invented, and how the claims distinguish the current invention over the prior art. The Applicants further hope that the following general description of their invention will assist the Examiner in suggesting how the claims might be amended (if required) in order to clearly distinguish their invention over the prior art.

As disclosed in the specification at page 4, line 11, through page 5, line 3, the present invention generally provides for:

"Guiding a user in the capture of digital images in a digital camera may be improved by providing a collection of image templates in the digital camera, each image template representing a particular shot or class of shots. The templates in the collection may be presented on the display of a digital camera as browseable graphics (browseable in the same way as images stored in the digital camera) or, for example, as a graphical or textual

1 list or menu. ... Further, an image template may have an associated sample
2 image that illustrates good photographic technique for a particular shot or
3 class of shots. ... An image template collection may have a theme. For
4 example, a collection of image templates may have a special-event theme
5 such as "Wedding," "Birthday," or "Baby Shower." As a further example, a
6 collection of image templates may have a vacation-destination theme such
7 as "Venetian Tour." Many other themes are possible, such as car-accident
8 insurance photos, crime scenes, or real estate."

9 (Emphasis added.)

10 Figures 3A-3B and 4A-4C are also helpful in understanding the present
11 invention.

12 Basically (and without prejudice to the claims – i.e., the language used in the
13 following example should not be considered as limiting the scope of the claims), the
14 Applicants have invented methods and apparatus to guide a user of a digital camera
15 in capturing specific digital images relating to a specific circumstance (e.g., a specific
16 event (such as a wedding), or a specific location (such as London)). Accordingly, a
17 user of the digital camera of the present invention can view exemplary images, or a
18 list of recommended images, relating to a specific event or location (or the like), in
19 order to guide the user in capturing images which are commonly captured relating to
20 the event or location. For example, as indicated in Fig. 3A, the list of recommended
21 images (i.e., "image templates") can pertain to a wedding, and likewise, in Fig. 3B,
22 the list of recommended images (i.e., "image templates") can pertain to a place (e.g.,
23 typical images to be captured during a visit to London). Further, as shown by
24 Fig. 4A, an exemplary image for a place (in this example, St. Paul's Cathedral,
25 London) can be provided to a user to suggest to the user capturing an image of an
indicated subject at a particular place.

1 In short, the current invention provides (at least) for methods and apparatus to
2 guide a user of a digital camera in selecting specific images to be captured, as
3 suggested by image templates, corresponding to a particular situation (e.g., a
4 particular event or a particular place), as selected by the user using the provided
5 image templates.

6 The Applicants contend that none of the prior art references show, either
7 separately or in combination, the above invention. The Applicants further contend
8 that the currently-presented claims clearly distinguish their invention over the prior
9 art. However, if, in the opinion of the Examiner, the currently-presented claims do
10 not clearly distinguish the claimed invention over the prior art, the Applicants
11 respectfully request that the Examiner provide some guidance as to how the claims
12 might be amended to clearly distinguish them over the prior art, or to provide a clear
13 explanation as to why the currently presented claims are indistinguishable over the
14 prior art.

15

16 Rejection of Claims Under 35 U.S.C. § 102:

17 Claims 1-7, 9, 10, 15-17, 19, 22-28, 30, 32-42 and 44 have again been
18 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application
19 Publication No. 2003/0206240 ("Hyodo et al.", or merely "Hyodo").

20 The Applicants respectfully traverse this rejection, and contend that claims
21 1-7, 9, 10, 15-17, 19, 22-28, 30, 32-42 and 44 (as currently amended) are not
22 anticipated by Hyodo, for at least the following reasons.

23 As stated previously: the Applicants note that "[a]nticipation requires that all of
24 the elements and limitations of the claims are found within a single prior art
25 reference." (Scripps Clinic and Research Found. v Genetech. Inc., 927 F.2d 1565,
1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991 (emphasis added)). Moreover, the
PTO and the Federal Circuit provide that §102 anticipation requires that there must

1 be no difference between the claimed invention and the reference disclosure.

2 (Scripps Clinic and Research Found. v. Genetech, Inc., id. (emphasis added)).

3 Accordingly, if the Applicants can demonstrate that any of claims 1-7, 9, 10,
4 15-17, 19, 22-28, 30, 32-42 and 44 include an element, or a limitation, that is not
5 shown in Hyodo, then the respective claim(s) must be allowed.

6 The Applicants note that the claims which were rejected under 35 USC 102 as
7 being anticipated by Hyodo include each and every independent claim (i.e.,
8 independent claims 1, 22, 24, 26, 39 and 41). It is axiomatic that if an independent
9 claim can be shown to be allowable over a reference under 35 USC 102, then each
10 and every claim which depends therefrom should also be allowable under 35
11 USC 102. (That is, if an independent claim includes a limitation which differentiates
12 such claim from a cited reference under 35 USC 102, than any claim which depends
13 from this independent claim also inherently includes the same limitation, and is
14 therefore patentable over the cited reference for at least the same reason as the
15 independent claim is patentable over the reference.) Furthermore, it is axiomatic
16 that if an independent claim is allowable under 35 USC § 102, then there is no
17 possible way that any respective dependent claim can be obvious under
18 35 USC § 103.

19 Accordingly, the Applicants present, below, arguments pertaining specifically
20 to the patentability (and allowability) of independent claims 1, 22, 24, 26, 39 and 41
21 as not being anticipated by Hyodo. The Applicants contend that, in light of the
22 argued allowability of independent claims 1, 22, 24, 26, 39 and 41 (as respectfully
23 amended) as not being anticipated by Hyodo, each and every claim which depends
24 from these independent claims should also be allowed. The Applicants further
25 contend that the dependent claims are at least allowable for the reasons set forth
below, as well as for potentially separate reasons. The failure of the Applicants, at
this time, to present separate arguments in favor of the patentability of each and

1 every dependent claim should not be considered as an admission that the
2 dependent claims are allowable only by virtue of their dependence from an arguably
3 allowable independent claim, and the Applicants reserve their right to argue for the
4 allowability of the dependent claims separately and later.

5 That said, the Applicants submit the following arguments in favor of
6 allowability of the independent claims (as respectively amended), and their
7 respective dependent claims.

8 Independent claim 1:

9 Independent claim 1 (as currently amended) recites the following limitations:

10 A method for guiding a user in the capture of digital images in a
11 digital camera, comprising:

12 providing, in the digital camera, a collection of image templates;

13 activating, in response to the selection of an image template, a
14 corresponding image capture context in the digital camera;

15 capturing, in response to an input, a digital image while the digital
16 camera is in the corresponding image capture context; and

17 associating the digital image with the selected image template
18 using the image capture context.

19 (Emphasis added.)

20 In the Response filed January 3, 2007 (dated as "January 8, 2007" by the
21 USPTO), the Applicants argued at length that claim 1 was distinguishable over
22 Hyodo, for at least the following reasons:

23 In Applicants' claim 1, the "image capture context" is activated "in response to
24 the selection of an image template". In contrast, in Hyodo the "assist frame"
25 (asserted by the Examiner to be equivalent to the Applicants' "image template") is
provided in response to the user selecting a "shooting mode" (asserted by the
Examiner to be equivalent to Applicants' "image capture context").

1 That is, the Applicants' have previously argued that their claim 1 requires that
2 the "image capture context" is activated "in response to the selection of an image
3 template", whereas in Hyodo the selection of an "assist frame" (asserted by the
4 Examiner to be the equivalent of Applicants' "image templates") is provided in
5 response to the selection of a "shooting mode" (asserted by the Examiner to be the
6 equivalent of Applicants' "image capture context").

7 To clarify: Applicants' claim 1 requires that the "image capture context"
8 (asserted by the Examiner to be equivalent to Hyodo's "shooting mode") is activated
9 "in response to the selection of an image template".

10 In the Final Office action dated March 30, 2007, the Examiner contends that
11 Hyodo teaches this limitation at ¶¶ 94, 98-99, and 103-108. Respectfully, the
12 Applicants contend that the Examiner is wrong with respect to the teachings of
13 Hyodo. Specifically, at ¶¶ [101] and [102], Hyodo discloses: "The CPU 38
14 determines which one of the day scenic shooting mode, the night scenic shooting
15 mode, the automatic shooting mode and the person shooting mode [i.e., the "image
16 capture context", as asserted by the Examiner] has been set", and "Then, the CPU
17 38 extracts composition assist frames [asserted by the Examiner to be equivalent to
18 Applicants' "image templates"] that can be selected according to the shooting mode
19 and the direction of the camera as shown in the following table 1."

20 That is, Hyodo specifically describes at ¶¶ [101] and [102] that an "image
21 assist frame" (asserted by the Examiner to be equivalent to Applicants' "image
22 "template") is selected following selection of a "shooting mode" (asserted by the
23 Examiner to be equivalent to Applicants' "image capture context"). This is in
24 complete contrast to Applicants' claim 1, wherein an "image capture context" is
25 selected in response to a user selecting an "image template".

 Put another way: Hyodo requires selecting a "shooting mode" (supposedly, an
"image capture context"), and "then" an "assist frame" ("image template") is

1 suggested. In contrast, in Applicants' claim 1, an "image template" ("assist frame")
2 is selected, and then an "image capture context" is selected. There can be no other
3 reading of Hyodo in view of the teachings of Hyodo at ¶¶ [101] and [102] thereof.

4 Further, and very importantly, the Applicants contend that the Examiner has
5 confused the teachings of Hyodo and the present application with respect to what
6 constitutes an "image capture context". The Examiner contends that the Applicants'
7 "image capture context" corresponds to Hyodo's "shooting modes". Nothing can be
8 further from the truth. Hyodo's "shooting modes" relate to "day scenic shooting
9 mode, the night scenic shooting mode, the automatic shooting mode and the person
10 shooting mode" (see ¶ 101 of Hyodo). It is well known that such "shooting modes"
11 pertain to exposure settings (e.g., focal length selection (i.e., aperture setting) and
12 exposure times) based upon the selected subject matter. (See, for example, ¶¶
13 [0055] – [0061] of Hyodo.) However, as is evident in Applicants' claim 1 (as
14 amended), the "image capture context" is used to associate a captured image with a
15 particular image template. It should be abundantly clear that any "shooting mode" of
16 Hyodo is not used to associate a captured image with a particular image template
17 (as is required by claim 1), but rather is used to ensure proper exposure, white
18 balance, color balance, etc. for an image. (See Hyodo at ¶¶ [0055] – [0091].)

19 For at least the foregoing reasons, the Applicants contend that claim 1 is
20 allowable over Hyodo.

21

22 Independent claims 24, 26, 39 and 41:

23 Independent claims 24, 26, 39 and 41 have been amended in a manner
24 similar to the current amendments to independent claim 1, as set forth above. For at
25 least the reasons set forth above with respect to the allowability of currently
amended claim 1 over Hyodo, the Applicants contend that currently amended
independent claims 24, 26, 39 and 41 are also allowable over Hyodo.

1 Claim 22:

2 Independent claim 22 has been amended to include the following additional
3 limitations (indicated in the following by underlined text):

4 A method for guiding a user in the capture of digital images in a
5 digital camera, comprising providing, in the digital camera, a collection of
6 image templates, each image template having a corresponding image
7 capture context in the digital camera, and wherein the image capture
8 context is provided in response to the user selecting an image template,
9 and wherein the collection of image templates comprises a plurality of
10 recommended images corresponding to at least one of a theme or a
11 place.

12 As can be seen, claim 22 now requires that the method of “guiding a user in
13 the capture of digital images in a digital camera” includes “providing ... a collection of
14 image templates ...,” and wherein the collection of image templates comprises a
15 plurality of recommended images corresponding to at least one of a theme or a
16 place.” The Applicants contend that these limitations are simply not shown, nor are
17 they suggested, by the cited prior art.

18 The Applicants would also like to address U.S. Pat. 5,477,264 (“Sarbadhikari”)
19 at this time in an attempt to forestall a future possible rejection of amended claim 22
20 as being obvious over Hyodo in view of Sarbadhikari. In rejecting dependent claims
21 20 and 21 (which contain limitations similar to amended claim 22), the Examiner
22 cited Col. 10, lines 50-53 of Sarbadhikari, which states: “Many different types of
23 overlays may be used. The user could select removable image storage devices
24 expressly for different seasonal or special events such as birthdays or sporting
25 championships.” It is clear that Sarbadhikari is discussing image overlays (see Fig.
8 of Sarbadhikari, for example), and not “image templates compris[ing] a plurality of
recommended images”, as is required by amended claim 22.

1 Summary (rejection of claims under 35C 102):

2 For all of the reasons stated above the Applicants contend that independent
3 claims 1, 22, 24, 26, 39 and 41 each include at least one limitation that is not shown
4 by Hyodo. The Applicants' therefore request that the rejection of independent claims
5 1, 22, 24, 26, 39 and 41 (as well as any claims rejected under 35 USC 102 which
6 depend from these independent claims) as being anticipated by Hyodo be removed
7 and the claims allowed.

8

9 Rejection of Claims Under 35 U.S.C. § 103:

10 In the final Office action, certain dependent claims (specifically, claims 8, 11-
11 14, 18, 20, 21, 29 and 31) were rejected under 35 USC § 103 as being obvious for
12 the reasons stated in the Office action at pages 14-18.

13 Each of the claims rejected under 35 USC 103 depend variously from
14 independent claims 1, 22, 24, 26, 39 and 41. As argued above, the Applicants
15 consider all of the independent claims (1, 22, 24, 26, 39 and 41, as variously
16 amended above) to be allowable. Further, as indicated above, it is axiomatic that a
17 claim which depends from an arguably allowable independent claim is also
18 allowable. Accordingly, the Applicants contend that each of the dependent claims
19 rejected under 35 USC 103 (i.e., claims 8, 11-14, 18, 20, 21, 29 and 31) are
20 allowable for at least the same reasons that the claims from which they depend are
21 allowable, as well as potentially for their own reasons (which are not argued
22 specifically herein, and the Applicants reserve the right to present such separate
23 arguments at a later time).

24 The Applicants therefore request that the rejections of claims 8, 11-14, 18, 20,
25 21, 29 and 31 be removed and the claims allowed.

SUMMARY

The Applicants believe that this response constitutes a full and complete reply to the Final Office action dated April 4, 2007, and the Applicants respectfully request timely allowance of claims 1-42 and 44-50. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (509) 534-5789.

Respectfully submitted,
Donald J. STAVELY, et al.

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By:

John S. Reid
Attorney and agent for Applicants
Reg. No. 36,369
Phone: (509) 534-5789